

December 3, 2008

Sandra Fugami

RE: Sandra Fugami v. Western Washington University (WWU)  
Allocation Review Request ALLO-08-093

Dear Ms. Fugami:

On November 20, 2008, we received your request for a Director's review of Western Washington University's position review determination regarding the allocation of your position.

WAC 357-13-080(1) requires employees to request a Director's review within thirty calendar days "of being provided the results of a position review or the notice of reallocation."

WAC 357-04-105(1) provides, in part, the following:

. . . when the civil service rules require an . . . employee . . . to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

WAC 357-04-105(2) then provides, in part, the following:

. . . service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

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Based on the information in your November 20, 2008 letter to the Director's Review Program, you received the determination via email on October 6, 2008. You state that you flew to Japan on October 22, faxed a letter to WWU HR on November 5, and returned on November 10, 2008. You also state that you were informed on November 13, 2008 that your request should be submitted to our office, not WWU HR. Regardless of these circumstances, the deadline for requesting a review elapsed November 5, 2008. Since your request was not received until November 20, 2008, it was untimely. Therefore, the matter is closed.

Either party may appeal the Director's determination on timeliness to the Personnel Resources Board (Board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC. Please refer to the Collective Bargaining Agreement regarding appeal rights to the Personnel Resources Board.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons, SPHR  
Director's Review Program Supervisor  
Legal Affairs Division

c: Holly Karpstien, WWU